

CORLEY et al.

Serial No.: **09/647,711**

Request for Reconsideration dated April 5, 2006

Response to Office Action dated November 18, 2005

### **REMARKS**

Claims 1-12 and 14 are pending in the present application. Favorable reconsideration of the application in view of the remarks set forth herein is respectfully requested.

The rejection of claims 1, 2, 5-8 and 11-12 and 14 under 35 U.S.C. §103(a) over McComb et al. (U.S. Patent No. 6,006,224, hereinafter “McComb”) in view of Carter et al. (U.S. Patent No. 6,826,557, hereinafter “Carter ‘557”); and the rejection of claims 3, 4, 9 and 10 under 35 U.S.C. §103(a) over McComb, Carter ‘557 and Malloy are respectfully traversed.

At the outset, it is noted that the Office Action initially refers to a combination of McComb and Diamond as the basis for the rejections. However, the substance of the rejections refer to a combination of McComb and Carter ‘557. Moreover, the Office Action states that the previous arguments regarding the combination of McComb and Diamond are moot in view of the “new” grounds of rejection. Therefore, the rejections are understood to be based on McComb in combination with Carter ‘557, and not McComb in combination with Diamond.

Carter ‘557 does not qualify as prior art against the claims of the instant application. In particular, Carter ‘557 has a filing date of June 22, 2001, and is a continuation-in-part of an earlier application that issued as U.S. Patent No.

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6,275,819 (hereinafter "Carter '819") having a filing date of March 16, 1999. The instant application claims priority to GB 9808988.1 filed April 27, 1998 and EP 98307123.4 filed September 4, 1998. Both of these priority dates are earlier than the March 16, 1999 filing date of Carter '819. Accordingly, neither Carter '557 nor Carter '819 qualify as prior art against the instant application.

Moreover, it is noted that the disclosure of continuation-in-part Carter '557 being relied upon in the Office Action as supplying the admitted deficiencies of McComb is not present in the parent Carter '819 application. Accordingly, the teachings of Carter '557 being relied upon in the Office Action are only entitled to the June 22, 2001 filing date, and not the filing date of the parent application. This June 22, 2001 filing date is later than the 1998 priority dates of the instant application. This is yet another reason why Carter '557 does not qualify as prior art against the claims of the instant application.

For at least the above reasons, it is respectfully submitted that any rejection based in whole or in part on Carter '557 is rendered moot because Carter '557 does not qualify as prior art.

In view of the foregoing, it is respectfully submitted that the entire application is in condition for allowance. Favorable reconsideration of the application and prompt allowance of the claims are earnestly solicited.

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Should the Examiner deem that any further issues require resolution prior to allowance, the Examiner is invited to contact the undersigned attorney of record at the telephone number set forth below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**



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